

REMARKS

Claims 1 and 5-9 are pending in the application. Claims 1 and 5-9 have been amended by the present amendment. In particular, independent claims 1, 8, and 9 have been amended to incorporate the subject matter of claim 2, and to provide proper antecedence. Claims 2-4 have been canceled without prejudice. The amendments are fully supported by the application as originally filed.

Claims 1-7 were rejected under 35 USC 101 as being directed to non-statutory subject matter. As amended, independent claim 1 and dependent claims 5-7 have been rewritten as apparatus claims. It is believed that the amendments overcome the rejection under 35 USC 101.

Claims 1 and 5-9 were rejected under 35 USC 102(b) as being anticipated by Japanese Publication 2002-373480 to Kiyama et al. ("Kiyama"). This rejection is respectfully traversed.

Claims 2-4 were not rejected over the Kiyama reference or any other reference(s), and thus should be considered allowable if rewritten in independent form.

As amended, independent claim 1 incorporates the "allowable" subject matter of claim 2, which has been canceled without prejudice. Therefore, independent claim 1 and dependent claims 5-7 should be in condition for allowance.

Independent claims 8 and 9 have been amended to incorporate the "allowable" subject matter of claim 2, and thus should be in condition for allowance.

Further, independent claim 8, as amended, recites a "method for recording, onto a recording medium of a data recording apparatus," and thus should be considered statutory subject matter.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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